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IAB IV2451801

INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY
IAB IV 2451081

Subject: **Miriam Lopez, Deputy Sheriff,** [redacted]

Date/Time: **February 15, 2018 / 1321 hours**

Location: **dba Motel 6, 502 W. Arrow Hwy., San Dimas CA 91773**

Investigator: **Robert Galbraith, Sergeant,** [redacted]

ALLEGATION

It is alleged that Subject Deputy Miriam Lopez (Subject Lopez) failed to conduct a thorough investigation on two separate calls for service. She is also alleged to have lied to Lieutenant Elisabeth Sachs (Witness Sachs) who inquired about how she conducted one of the investigations, and lied again during her subject interview about the same subject. She was alleged to have entered false information into her official DDWS log when she indicated there was no evidence of crime or narcotics at the location.

The first incident was regarding alleged identity theft and narcotics found in a motel room by staff. The hotel staff claimed Deputy Lopez failed to go the room to investigate and told the staff to discard any narcotics they found. She left without taking a report or conducting any investigation. She cleared the call with the words, "No ev of crime, no narco left in room." Approximately 1½ hours later on a second call for service to the same location, another deputy recovered hundreds of evidentiary items related to identity theft from the same room, including computers, printers, blank checks, and credit cards. Narcotics were also recovered.

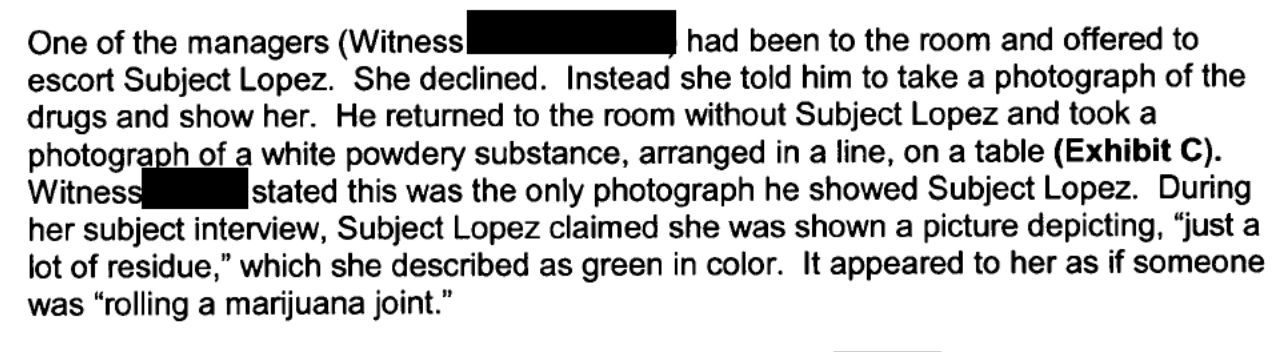
When Witness Sachs asked Subject Lopez about her response to the call, Subject Lopez said she was led to the room by an employee where she saw only narcotic residue and none of the identity theft related items. Witness statements indicate Subject Lopez never went to the motel room. During her subject interview for this investigation, Subject Lopez changed her story and said she walked partway up the stairs outside the room where she could see inside. A witness statement and photographic evidence refute this version of events as well: Witnesses said she never went toward the room, and if she did go to the top of the stairs as she claimed, from any location on the stairwell or landing it would be impossible to see objects in room 219, even if the blinds were open.

In the second case, Subject Lopez responded to San Dimas Hospital regarding an assault victim. She obtained a statement from the victim in which the victim claimed he threw a pan at his [redacted] (suspect) because he was arguing with his [redacted] The suspect subsequently used the pan to beat the victim. Subject Lopez failed to conduct any follow up investigation, including not responding to the location of occurrence to locate the suspect or any witnesses and to collect evidence. She also failed to take photographs of the victim's injuries. Two days later, follow up investigation by station detectives and field units determined the victim was attempting to stop a felony domestic violence incident / child endangerment that occurred between the suspect and his girlfriend.

SUMMARY

On February 15, 2018, Subject Lopez responded to a call for service at the Motel 6 in San Dimas. The call indicated three persons had run from their room when contacted by hotel management, leaving behind narcotics and other items, tag 90 **(Exhibit A)**. The narrative to the call stated, "CNT INF IN OFFICE, RE: DP'S, WHO WHERE STAYING AT LOC, WHEN CONTACTED BY MANAGEMENT DPS RAN,,,2 MALES 1 F/A, NFD, DPS LEFT NARCO, AND OTHER ITEMS, OCCR'D 10 AGO,,NO DESC,NFD (sic)." Upon arrival, Subject Lopez contacted the guest services representative [redacted] (Witness [redacted] in the lobby. Witness [redacted] told Subject Lopez room 219 had been rented with a fraudulent credit card and the guests ran away when contacted by management. She also told Subject Lopez they left behind what appeared to be drugs.

> **Investigator's note:** Their contact in the lobby was captured on surveillance video **(Exhibit B)**.



One of the managers (Witness [redacted] had been to the room and offered to escort Subject Lopez. She declined. Instead she told him to take a photograph of the drugs and show her. He returned to the room without Subject Lopez and took a photograph of a white powdery substance, arranged in a line, on a table **(Exhibit C)**. Witness [redacted] stated this was the only photograph he showed Subject Lopez. During her subject interview, Subject Lopez claimed she was shown a picture depicting, "just a lot of residue," which she described as green in color. It appeared to her as if someone was "rolling a marijuana joint."

After seeing the photograph, Subject Lopez told Witness [redacted] to place the suspected drugs in bag and bring it to her or dispose of it. Witness [redacted] refused to touch the suspected drugs. At this point, Subject Lopez finished her investigation and left the lobby. Witness [redacted] walked out with her and exchanged pleasantries with Subject Lopez as she returned to her patrol car and left.

Subject Lopez cleared the call in her MDC with statistical code [redacted], and logged, "C/[redacted]NO EV OF CRIME NO NARCO LEFT IN ROOM, DP GPA UTL, AVSD TO CALL BCK IF NEEDED (sic)" **(Exhibit A)**.

Neither Witness [redacted] nor Witness [redacted] took Subject Lopez to the room, nor did they see her go to the room on her own. Witness [redacted] specifically stated he saw Subject Lopez enter her patrol vehicle and leave immediately after she left the motel lobby.

Witness [redacted] returned to the room where he now saw blank checks, counterfeit currency, computers, and printer. He thought it was a counterfeiting operation and called San Dimas Station a second time, tag 108 **(Exhibit D)**. The narrative to the call stated, "RE TAG 90, INF FOUND MULTIPL,E CREDIT CARDS, PAPERWORK, AND, PRINTERS IN ROOM AT LOC. NFD (sic)." Witness [redacted] stated after Subject Lopez departed from the location and when they located the counterfeit operation, he denied access to the room pending the arrival of law enforcement.

A different deputy, Deputy Holverson [redacted] responded and went to the room. He ultimately requested additional deputies to the location. The investigation identified a second room as having also been rented by the suspects. This room also contained items related to identity theft.

An identity theft report written under URN 918- 00843-0814-117 **(Exhibit E).** Station Detectives, including Detective Sergeant Nicole Davis, responded to the location and obtained search warrants for both rooms. In all, deputies recovered hundreds of pieces of evidence from the two rooms, including computers, printers, blank checks, credit cards, personal profiles, identifications, and 17.60 grams of methamphetamine from room 219. A stolen car related to the suspects was also recovered in the motel parking lot.

Sergeant Davis was informed Subject Lopez had been at the location approximately 1½ hours prior the second call for service and, despite having the same information as Deputy Holverson, she never responded to the room. The following day, Sergeant Davis approached Witness Sachs and raised issues with the way Subject Lopez failed to conduct any type of investigation.

Witness Sachs researched the initial call (tag 90) and thought there may be a training issue with Subject Lopez not recognizing identity theft items. On February 16, 2018, Witness Sachs contacted Subject Lopez and asked if she had gone to room 219. Subject Lopez said she did go to the room. She was escorted by the "female manager" (Witness [redacted]) and only saw piles of clothes and no evidence of criminal activity. Subject Lopez told Lieutenant Sachs she did see a small amount of narcotic residue, which she (Subject Lopez) dusted away.

This interview took place in the presence of Sergeant Michel Mcgrattan (Witness Mcgrattan).

Witness Sachs directed Sergeant Michael White (Witness White) and Sergeant Matthew Bodell [redacted] to return to Motel 6 to gather more information. Sergeant White contacted Witness [redacted] Witness [redacted] and Witness [redacted] All relayed a consistent story that Subject Lopez stayed in the motel lobby, never made any attempt to go to the room, and told them to dispose of the suspected narcotics. Sergeant White memorialized his findings both verbally and in a memo **(Miscellaneous)**. Sergeant Bodell obtained security camera video that supports the witnesses' contention that Subject Lopez remained in the lobby **(Exhibit B)**.

Upon receiving this information, Witness Sachs formulated the opinion Subject Lopez lied to her about having been escorted to the room by a motel employee. Witness Sachs completed a supervisor inquiry in which she concluded an administrative investigation was warranted **(Miscellaneous)**.

During the subject interview for this investigation, Subject Lopez offered a different version of events than she previously told Witness Sachs. Instead of having been escorted to the room by the female manager, Subject Lopez said she went on her own after leaving the motel lobby. Initially she stated, "I went to the room like to the stairs of the room, I didn't physically go inside the room (sic)." She stated she was ten feet from the room. When asked if she could see inside of the room, subject Lopez stated, "I could see inside, and I didn't step inside, and I did have a key, she made me a key, and I didn't step inside because I felt like it was sufficient from what I had seen from the manager, he had shown me a picture of the alleged narco that was inside the room, and it was just a lot of residue (sic)."

> **Investigator's note:** At the one minute seven second mark of the lobby surveillance footage **(Exhibit B)**, Witness [redacted] offers a key to Subject Lopez; however, Subject Lopez does not take possession of it.

Subject Lopez stated she saw a bunch of junk, clothing, personal items, in the room. She stated she asked staff if there was any "other drugs" they located. She stated "he" (referring to Witness [redacted] told her the room smelled bad and they located "weed." She added Witness [redacted] showed her a photograph of a table with residue of green "narco" that was left behind by the suspects. The amount of "narco" was not enough to be collected.

Investigator's note: Lieutenant Walid Ashrafnia [redacted] took photographs of the exterior of room 219 at Motel 6. The photographs show the view from the ground level, from midway up the nearest staircase, and from the top of the landing. As indicated in the photos, the view of room 219 is partially blocked by a solid stucco railing. Additionally, the distance from the stairs to the door is greater than 10 feet as described by Subject Lopez **(Exhibit F)**; the distance is at least 30 feet. Even with no railing and if the blinds were open, it would be impossible to see items in the room from anywhere in the area of this vantage point.

Subject Lopez added she did not go in the room because she had previously been counseled by Sergeant Davis regarding entering a motel room without a warrant. She cited a specific case where the room had also been fraudulently rented and there were identity theft related items inside that were recovered by Subject Lopez. Sergeant Davis told her she should not have entered the room.

Approximately two weeks after the incident at Motel 6, a second incident occurred where it appeared Subject Lopez again failed to conduct a thorough investigation. On February 28, 2018, Subject Lopez was dispatched to San Dimas Hospital regarding an assault victim who was hit in the head with a pan by his [redacted] The call indicated the victim was mildly autistic and to call the desk prior to responding, tag 18 **(Exhibit F)**.

As directed, Subject Lopez called the desk where she spoke to LET [redacted]. LET [redacted] explained there had been an earlier 9-1-1 call on EM shift where a male said he was hit in the head with a frying pan and the call was disconnected. She was able to re-establish phone communication and was told by a female who identified herself as the original caller's mother, the original caller has autism and there was no emergency at the location. LET [redacted] believed the female and did not dispatch a car. After receiving the second call at the hospital, LET [redacted] believed the calls were related and passed the information to Subject Lopez.

At the hospital Subject Lopez contacted the victim [redacted] who told her his [redacted] was arguing with [redacted] To stop the arguing, [redacted] threw a frying pan at [redacted] hitting him in the face. This upset [redacted] who chased down [redacted] and began beating him with the same frying pan [redacted] received a laceration on his head that required stiches. [redacted] said they initially called 9-1-1, but then changed their mind because they did not want another confrontation. He was non-desirous of prosecution. Subject Lopez took the information and left.

She did not attempt to interview [redacted] (NFD) who as at the hospital with [redacted] and she did not respond to the location of the crime to identify additional possible victims and/or collect/preserve evidence.

Subject Lopez claimed she called Witness White and requested a supervisor respond to the location where the assault occurred. He told her to just write the report, which she did **(Exhibit H)**. Witness White indicated Subject Lopez did call him regarding the incident, but she did not request his presence. She only told him of her intention to classify the incident as a battery. He told her it was a felony assault. There was no discussion of further investigation at the location.

The following day, March 1, 2018, Deputy Peter Bommarito [redacted] was on a family disturbance call for service at the location where the assault occurred the previous day. He arrested [redacted] for an outstanding warrant and being under the influence of a controlled substance. Deputy Bommarito was aware of the previous incident and took note of a female [redacted] with a black eye and small child at the location. He attempted to question the female, who said it happened the previous day, but she appeared frightened and refused to talk with him further. Deputy Bommarito subsequently notified Sergeant Davis of his observations.

San Dimas Station Detectives responded back to the location on March 2, 2018. [redacted] told them she had been the victim of a domestic assault by [redacted] on February 28, 2018, where she was punched several times in the face. The assault took place in front their child. [redacted] was additionally charged with felony domestic assault and child endangerment. Deputy Bommarito wrote a supplemental report documenting the incident **(Exhibit I)**.

It was Sergeant Davis' contention that Subject Lopez should have conducted follow up investigation on February 28, 2018. Had she done so, [redacted] could have been arrested and the victims [redacted] would not have had to remain in fear and potential danger by having to continue to live with [redacted]

In her report, Subject Lopez indicated [redacted] told her he saw [redacted] leaving the location. She tried to contact [redacted] via the phone number provided by [redacted]. A female answered and claimed it was a wrong number. Subject Lopez said she was comfortable with the fact he was no longer at the location, however, she would have done a door knock had it been suggested.

Subject Lopez admitted she failed to obtain photographs of [redacted] injury. She returned to the hospital, but he had been discharged and was reportedly returning to his home in Orange County. She left a message on his phone, but he never contacted her.

Investigators note: The location of the assault was the former San Dimas residence of [redacted] and [redacted] who passed away. [redacted] and [redacted] reportedly live in Orange County. All attempts to contact them with available phone numbers and addresses have been unsuccessful.



OFFICE OF THE SHERIFF

COUNTY OF LOS ANGELES

HALL OF JUSTICE



ALEX VILLANUEVA, SHERIFF

February 8, 2019

Deputy Miriam E. Lopez, [redacted]

Dear Deputy Lopez:

LETTER OF INTENT

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business March 5, 2019.

An investigation under IAB File Number IV2451801, conducted by San Dimas Station, coupled with your own statements, have established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/005.10, Responsibility for Documentation; and/or 3-01/050.20, Duties of All Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [as it pertains to 5-04/010.10, Preservation of Evidence], on or about February 15, 2018, while on-duty, you failed to conform to work standards established for your position as a patrol Deputy and/or displayed an unwillingness or inability to perform an assigned task in a competent manner, and/or failed to take appropriate action during the occurrence of a crime, when you failed to direct and/or coordinate your efforts in a manner which established and maintained the highest standard of efficiency in the investigation of

identity theft and narcotic activity, and/or brought discredit upon yourself or the Los Angeles County Sheriff's Department as evidenced by, but not limited to:

a. failing to properly identify, investigate, and document a reported crime which involved an identity theft lab, narcotic activity, and stolen vehicle recovery; and/or,

b. failing to identify, interview, and document all witnesses associated with and/or present at a crime scene related to Sheriff Uniform Reporting Number; and/or,

c. failing to identify, preserve, and recover evidence associated with a crime.

2. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about February 15, 2018, while on-duty, you documented false information by inputting, "No ev of crime, no narco left in room," in your official DDWS, which was proven to be untruthful by video evidence, witness testimony, and the fact that on the same day, there was a second call for service at the same location which was handled by a different Deputy who was presented with the same information. The second Deputy initiated a proper investigation resulting in the recovery of the methamphetamine, a stolen vehicle, and hundreds of items related to an identity theft operation.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 16, 2018, while on-duty, you provided false statements to a supervisor during a supervisory inquiry when you were questioned regarding your handling of a call for service.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements, and/or Making False Statements During Departmental Internal investigations, when on or about November 28, 2018, you provided false and misleading statements during an official Departmental Internal Investigation as evidenced by but not limited to:

   a. stating that you climbed part way up a staircase near the room and looked inside from the distance, and/or words to that effect, which is in conflict with video and witness statements; and/or,

   b. stating the picture from Witness [redacted] displayed a green leafy substance resembling marijuana when the photograph clearly depicts a white powdery substance resembling methamphetamine.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Acting Chief Jeffrey L. Scroggin, on March 5, 2019 at 1000 hours, in his office, which is located at 211 West Temple Street, 7th Floor, Los Angeles, California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to March 5, 2019, for your oral response, please call Acting Chief Scroggin's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Acting Chief Scroggin's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Acting Chief Scroggin's office no later than March 5, 2019.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave, which will continue during the fifteen (15) business days you have to respond to the intended discharge or

until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at (323) 890-5300, to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

JSW:PC:pc
(Professional Standards and Training Division – Internal Affairs Bureau)

IAB FILE NO. IV2451801

Attachments

c: Jeffrey L. Scroggin, Acting Chief, East Patrol Division
Georgette D. Burgess, Departmental Employee Relations Representative, Employee Relations Unit
Patty Choe, Operations Assistant I, Internal Affairs Bureau
Vince Vasquez, Operations Assistant I, Advocacy Unit



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

August 13, 2021

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of **MIRIAM LOPEZ** for a hearing on her **discharge**, effective March 6, 2019, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 19-75**.

The Civil Service Commission, at its meeting held on June 9, 2021, approved findings in the above-entitled case. The petitioner's objections were sustained, in part. Commissioner Segal was absent.

Since a copy of these findings have already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Craig M. Hoetger
Interim Executive Director

Enclosure

c: Miriam Lopez
Amanda Waters
Barbara D'Abusco
Samuel Reyes

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

In the matter of the ***discharge****, effective March 6, 2019, from the position of Deputy Sheriff, Sheriff's Department, of* **MIRIAM LOPEZ** **(Case No. 19-75)**	ORDER OF THE CIVIL SERVICE COMMISSION

On June 9, 2021, the Civil Service Commission of the County of Los Angeles sustained the petitioner's objections, in part and adopted as its final decision to impose a thirty (30) day suspension. Commissioner Segal was absent.

Dated this 13th day of August, 2021.

NAOMI NIGHTINGALE, President

PERCY DURAN III, Member

JOHN DONNER, Member

Absent
HEIDI SEGAL, Member

DICKRAN TEVRIZIAN, Member

RECEIVED

LOS ANGELES COUNTY
CIVIL SERVICE COMMISSION

JUN 08 2020

BEFORE THE
CIVIL SERVICE COMMISSION
COUNTY OF LOS ANGELES

In the Matter of the Appeal of: MIRIAM LOPEZ, Appellant, And COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT, Respondent.	Case No. 19-75 **REVISED** PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION.

This matter came before Samuel D. Reyes, Hearing Officer, on December 12, 13, and 16, 2019.

Barbara D'Abusco, Attorney at Law, represented Sheriff's Department (Respondent or Department).

Amanda Waters, Attorney at Law, represented Deputy Miriam Lopez (Appellant), who was present at the hearing.

Oral and documentary evidence was received at the hearing. **[~~The record was left open to give the parties the opportunity to order the transcript of proceedings and for the submission of written closing argument.~~]** The parties filed their written closing argument on February 21, 2020, and the matter was thereafter submitted for decision.

ISSUES

On May 22, 2019, the Commission defined the issues to be decided at the hearing as follows:

1. Are the allegations contained in the Department's letter of March 7, 2019, true?

2. If any or all are true, is the discipline appropriate?

WITNESSES AND EXHIBITS

The Department called seven witnesses: [redacted]); Sergeant Robert Galbraith (Galbraith); [redacted]; Commander Coronne Jacob (Jacob); [redacted]); Sergeant Michel McGrattan (McGrattan); and Lieutenant Elisabeth Sachs (Sachs). Appellant testified on her own behalf.

The Department submitted the following 28 exhibits, all of which were received in evidence: Exhibit 1 (Letter of Imposition, dated March 7, 2019); Exhibit 2 (Letter of Intent, dated February 8, 2019); Exhibit 3 (Disposition Worksheet); Exhibit 4 (Investigative Summary); Exhibit 5 (Witness Interview Summary, [redacted]); Exhibit 6 (Witness Interview Summary, [redacted]); Exhibit 7 (Witness Interview Summary, [redacted] Exhibit 8 (Witness Interview Summary, Sachs); Exhibit 9 (Witness Interview Summary, McGrattan); Exhibit 10 (Witness Interview Summary, Sergeant Michael White (White)); Exhibit 11 (Subject Interview); Exhibit 12 (CD Containing Recorded Interviews); Exhibit 13 (Incident History Report, Tag 90); Exhibit 14 (CD of Video Surveillance); Exhibit 15 (Photograph, White Powdery Substance); Exhibit 16 (Photographs of Motel 6); Exhibit 17 (Incident History Report, Tag 108); Exhibit 18 (Criminal Complaint Report, URN File 918-00843-0814-117); Exhibit 19 (Memorandum, McGrattan to Sachs); Exhibit 20 (Memorandum, White to Sachs); Exhibit 21 (Email, Bodell to Sachs); Exhibit 22 (Memorandum, Sachs to Berg); Exhibit 23 (Department Policies); Exhibit 24 (Disciplinary Guidelines); Exhibit 25 (Civil Service Commission (Commission) August 9, 2019 Notice of Hearing); Exhibit 26 (Commission

July 23, 2010 Notice re Certification of Issues at Hearing); Exhibit 27 (Photos of Interior of Room 219); and Exhibit 28 (CD Containing Color Photo).

Appellant submitted Exhibit A (Administrative Investigations Handbook), Exhibit B (Guidelines for Discipline, effective September 28, 2012), Exhibit C (Photos), Exhibit D (DVD of Motel 6 Lobby), Exhibit E (Table of Contents (IAB IV2451801), Exhibit F (Color Photo), and Exhibit G (Appellant's Performance Evaluations), all of which were received in evidence. Appellant also submitted Exhibit H ([redacted] Personnel Records), which was not received in evidence due to lack of relevance.

STATEMENT OF THE CASE

By letter dated March 7, 2019, the Department notified Appellant that effective March 6, 2019, she was discharged from her position of Deputy Sheriff. The Department concluded that Appellant violated Department policy in that she failed to conduct a proper investigation of a February 15, 2018 call for service, that she entered false information in an official record about her response to the call, that she provided false statements to a supervisor who asked about the call, and that she provided false and misleading statements during an ensuing Departmental investigation. Appellant concedes that she failed to conduct a proper investigation, but denies all other allegations. The parties also disagree with respect to the discipline imposed, the Department urging that the discharge should be upheld and Appellant arguing that the Department's policy of progressive discipline warrants no more than a suspension.

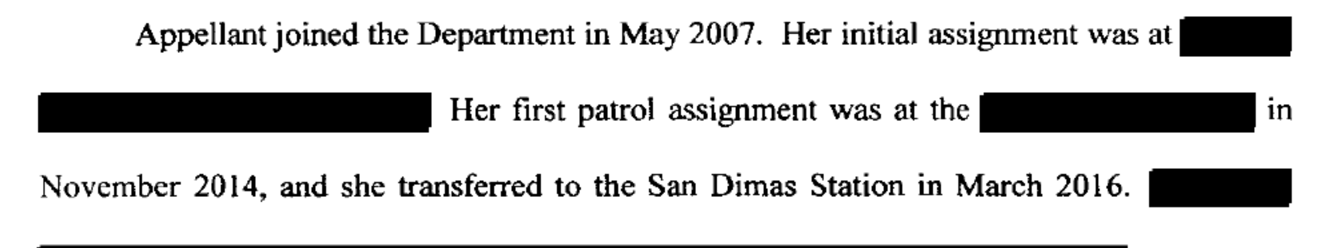
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SUMMARY OF EVIDENCE AND DISCUSSION

Appellant's Employment and Assignment



Appellant joined the Department in May 2007. Her initial assignment was at [redacted] Her first patrol assignment was at the [redacted] in November 2014, and she transferred to the San Dimas Station in March 2016. [redacted]

Appellant's performance evaluations for the periods of May 25, 2007 to May 24, 2008; May 25, 2008 to May 24, 2009; May 25, 2009 to May 24, 2010; May 25, 2015 to March 19, 2016; and, March 20, 2016 to May 24, 2017 contain [redacted] overall ratings. Her performance for the periods of May 25, 2010 to May 24, 2011; May 25, 2011 to May 24, 2012; May 25, 2012 to May 24, 2013; May 25, 2013 to May 24, 2014; and May 25, 2014 to November 15, 2014 was rated [redacted]” On January 19, 2017, Appellant received a written reprimand for leaving her containment post during a shoplifting investigation.

Appellant's Call for Service to Motel 6

The discipline at issue stems from events surrounding Appellant's response to a call for service on February 15, 2018 to a Motel 6 property located in San Dimas, California, and from her response to subsequent Department inquiries about what occurred during the call for service. The evidence is in conflict in material respects about what occurred.

On February 18, 2018, motel General Manager [redacted] went to Room 219 to speak to guests about a declined credit card payment. The same card had been used for two rooms and [redacted] suspected fraudulent activity. Two individuals [redacted] did not recognize as guests left the room as he approached. [redacted] knocked on the door and entered the room. A man who appeared to be sleeping woke up and ran out of the room. Because of the

potentially fraudulent activity and suspicious activity by the occupants of Room 219, [redacted] asked Guest Services Representative [redacted] to call the Department.

[redacted] a Relief General Manager at the motel on February 15, 2018, testified without contradiction that motel protocol is to secure any room where suspicious activity is suspected until cleared by the authorities. Guests, housekeeping and other staff are not permitted to enter a secured room. He testified that such protocol was followed in this case.

[redacted] was working at the front desk when approached by [redacted] As she recalled, he asked her to call the Department because he had found credit cards in Room 219 and that there may be credit card fraud going on. [redacted] called as instructed. The Incident History Report for the call, Tag 90, shows that [redacted] reported, at 1:11 p.m., that three unidentified individuals ran from the room, leaving narcotics and other items.

Appellant acknowledged receiving the request for service at 1:19 p.m. She understood that unknown individuals had abandoned the room, leaving drugs behind. Appellant arrived at the motel at 1:21 p.m.

[redacted] who was still on duty at the front desk, recognized Appellant from prior service calls. [redacted] testified that she asked Appellant if she wanted to go to the room. [redacted] made Appellant a key so she could enter the room. [redacted] testified that Appellant did not want to go up to the room. Appellant did not contradict [redacted] testimony in this regard, and had no explanation for not going to the room. Appellant also acknowledged she received a motel room key, which she later tossed into the car.

Appellant testified that she asked [redacted] routine questions to ascertain the identity of the individuals in question and to determine if money or property had been taken or damaged. [redacted] had no information about the guests and answered in the negative

regarding money or property taken. Appellant denied being told the room was rented with a fraudulent credit card. Appellant believed all she had was a complaint about drugs.

[redacted] recalled that [redacted] came into the lobby at some point to speak to Appellant, but did not overhear any conversation between Appellant and [redacted] at that time. [redacted] met Appellant in the front desk area. He heard [redacted] explain she called the Department because guests were doing something illegal. [redacted] decided to go to the room to inspect it because Appellant would not go to the room.

[redacted] testified that he went to room 219 and took three to four photographs of what was on the table. His recollection was that either [redacted] or [redacted] had told him there was a white powdery substance on a table. [redacted] testified that he was only focused on the table and did not pay much attention to any other part of the room. He recalled what was on the table as being a powdery white substance in a "pile," measuring ¾ inches high, four inches long, and two inches wide. He showed the photographs on his phone to Appellant. She purportedly said he could put it in a bag and bring it to her, or he could throw it away. [redacted] did not hear the entire conversation between Appellant and [redacted] and did not recall if he showed her a photograph, but did recall Appellant telling [redacted] "to throw everything away," just before leaving.

[redacted] identified a photograph presented to him at the hearing as one of the photos he took with his phone and showed Appellant. The photograph, Exhibit 15, depicts several items on a table, including a small line of a powdery white substance. Galbraith, who was subsequently assigned to investigate the matter, identified the photograph as one given to him by [redacted] [redacted] denied observing anything that resembled marijuana in Room 219 or showing Appellant a photo depicting any leafy substance.

Appellant testified that she asked [redacted] about the drugs he had seen and that he showed her a picture on his phone that depicted what she described as Marijuana "residue." The amount was so small, Appellant testified, that she had to enlarge the image to see it. She asked if he had anything else, and [redacted] purportedly replied that he had not and that they would go through the personal property left in the room. Appellant told [redacted] to call her if they find anything else. On cross-examination, Appellant testified that she did not recall if [redacted] left the lobby area after the speaking to her to take the picture, and denied asking him to take the photograph.

[redacted] testified that he eventually walked out of the lobby with Appellant and that he saw her get into her car and that she drove toward the exit of the motel.[1] He did not see Appellant go toward or into Room 219.

Appellant testified that she did not go into Room 219. Appellant testified that after she left the motel office she walked half-way up the stairs to identify the room in case they had to come back. She saw that the door was partially open and the window was open.

As established by uncontroverted testimonial and photographic evidence, the door to room 219 was approximately 30 feet from the landing on which Appellant testified she was, and the window to Room 219 was not visible from the location. The window that was visible from that location, while to the right of Room 219, was the window of the adjacent room. There was also an approximate four-foot solid railing in front of Room 219.

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[1] Although [redacted] stated during his first interview, on June 27, 2018, that he did not remember seeing Appellant leave the property, he consistently stated in his second interview, on January 16, 2019, and during his testimony that Appellant entered her car after they left the lobby together. In addition, the surveillance video shows [redacted] and Appellant leaving the lobby together.

Motel 6 has video surveillance of the front office area, and a copy of the portion recording Appellant's visit to the front office area was obtained during the internal investigation. The video submitted in evidence was approximately eight minutes long and does not contain sound. It shows that Appellant arrived at the hotel lobby at approximately 1:23 p.m. [redacted] appeared approximately four minutes after Appellant arrived. He then left the lobby and, upon his return about two minutes later, he showed Appellant something on his cell phone. [redacted] and Appellant left at approximately 1:31 p.m.

Jacob testified that the standard of performance required Appellant to properly investigate the request for service, including going to the room, collecting evidence, and writing a proper report. This testimony is supported by the record evidence, including the actions of other investigating Department members and Appellant own testimony, set forth below, and is credited.

On cross-examination, Appellant agreed that she had failed to properly investigate whether a crime had been committed, to interview or document all witnesses, and to collect and recover all evidence associated with the crime. Appellant testified that now she would handle a similar situation differently. She would not take someone's word or rely on a photograph, and would go to the room in question to investigate.

Deputies enter information about calls for service into an electronic Deputy Daily Worksheet (DDWS), providing details about their actions. The information entered into the DDWS is also found on the Incident History Report. At 1:33 p.m., or approximately 12 minutes after her arrival, Appellant "cleared" the call, writing on the DDWS, in abbreviated form: assisted citizen, contacted [redacted] no evidence of a crime, no narcotics left in the

room, disturbing party gone prior to arrival, unable to locate anyone, advised to call back. (Exh. 13.)

Appellant testified that she truthfully completed the DDWS. As far as she knew, all she had was drug residue and unidentified potential suspects.

Second Call for Service to Motel 6

[redacted] and the head housekeeper went to Room 219 after Appellant left. [redacted] and [redacted] noticed several other items in the room, including unopened boxes with computers and printers, checks, stacks of credit cards, and drug paraphernalia. They did not touch anything, left the room, locked the door, and called the Department. The Incident History Report for this call, Tag 108, contains the report that multiple credit cards, paperwork, and printers found at the location.

Deputy William Holverson (Holverson), assigned to the City of Industry Station, but working overtime at San Dimas Station, responded to the call for service at 3:07 p.m. After interviewing [redacted] and [redacted] he called a patrol sergeant, White, and both went to the room. After noticing computer equipment and what appeared to be fraudulent currency, Holverson and White called the station and detectives were sent to the motel. A search warrant was obtained and the items were seized from Room 219 and another room, number 242. The incident report filed in the matter documents the seizure of multiple computers and computer equipment, cell phones, credit cards, identifications, and other documents and equipment typically used in counterfeiting operations. Bags suspected of containing methamphetamines and methamphetamine paraphernalia were also recovered. Criminal charges were subsequently filed in the matter.

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February 16, 2018 Meeting Between Appellant and Sachs

Sachs is the early morning shift Watch Commander at San Dimas Station. On the morning of February 16, 2018, Detective Bureau Sergeant Nicole Davis raised concerns about Appellant's investigation during the call for service the day before at Motel 6. Sachs said she would speak to Appellant about the matter.

Before speaking with Appellant, Sachs asked White to go to Motel 6 to speak to management to find out what happened during Appellant's visit and, if necessary, to perform "damage control." White reported that Motel 6 staff told him Appellant had never entered the room. Also before speaking to Appellant, Sachs looked at the Incident History Reports for Tags 90 and 108, at Halverson's incident report, and at Appellant's DDWS, the latter to determine if Appellant had been too busy to spend time at Motel 6. Sachs learned about the seizure of numerous items, and received a photograph of items seized from the room. The photo had been sent by Deputy Halverson to Sachs's phone.

Sachs called Appellant to discuss the call for service. Sachs asked McGrattan to be present. Sachs testified that she was concerned Appellant may need further training in recognizing potential counterfeiting or identity theft crimes. Sachs testified that she engaged Appellant in a training discussion and denied conducting a Supervisory Inquiry or any other investigation, as she was not attempting to determine if Appellant had violated policy. Sachs did not inform Appellant that she was under investigation. Sachs did not offer, and Appellant did not ask, to have representation present during the interview. The interview was not recorded.

Sachs testified that she asked Appellant what had happened at the Motel 6 call, pointing out that other deputies had seized a lot of items from the room. Sachs showed a

photo on her phone depicting a printer, a laptop computer, other electronic devices, credit cards, identification cards, currency, and assorted other documents seized from Room 219. Appellant stated that she had not seen those items and that they were not in the room. Sachs asked Appellant if she had been in Room 219, to which Appellant replied in the affirmative. Sachs asked again if she had not seen the items on the photo. Appellant said she had not, that all she saw in the bed was a pile of clothes. Sachs asked Appellant if she had seen any narcotics in the room. According to Sachs, Appellant replied that she had only seen residue, which she just brushed away.

Sachs testified that she then told Appellant that there was a training issue about recognizing the seized items. Appellant repeated that there was no equipment in the bed. Sachs asked Appellant if she was really in the room, and Appellant replied affirmatively. In response to Sachs question of how she had entered the room, Appellant said that a female manager had let her in. Sachs testified that she concluded that something was not right, and concluded the conversation.

McGrattan testified that Sachs had asked him to be present during the discussion. Sachs told him she had concerns about the manner in which Appellant had handled a call for service the prior day. Once Appellant came into the office, McGrattan testified, Sachs initially asked what had happened during the call. During the ensuing conversation, Sachs also asked Appellant if she had been in the room and if she had seen any narcotics or computer equipment in the room. McGrattan testified that Appellant explained that she responded to a call that drugs had been found in a motel room, that a female manager led her to the room, that the room was very dirty, that she did not see any computer equipment, that she only saw drug residue, that she told the hotel employee that there was not enough drug

quantity to take action, and that she left the room after making the statement to the employee. Sachs showed Appellant a photograph on a cell phone. As requested by Sachs, McGrattan prepared a memorandum of what he had witnessed, which was consistent with his testimony.

Appellant testified that Sachs asked her to step into her office, that she had some questions. Appellant asked if she was under investigation, stating that she felt uncomfortable answering questions. Sachs said Appellant was not under investigation, and she just had questions about this case. As Appellant recalled, Sachs asked if she had seen the room. Appellant replied that she had seen it in pictures. When Sachs showed her a picture depicting some items she did not recall at the hearing, Appellant said that's not what she saw. Sachs asked what she had seen, and Appellant replied that she had seen residue. Sachs asked if Appellant had heard about the second call, and Appellant replied in the affirmative. Appellant testified that she told Sachs she had been unable to respond the second time because she had a robbery suspect in custody and was writing reports. Appellant testified she told Sachs that she did not physically go to the room, and that she was tired and annoyed during the interview.

After her conversation with Appellant, Sachs learned about the video of Appellant's visit to the front office area of the motel and viewed the video. Sachs reported her conversation with Appellant to her supervisor, Captain Andrew Berg, and told him about the other information she had. At her supervisor's instruction, Sachs wrote a memorandum on March 28, 2018, requesting a Supervisory Inquiry.

Appellant argues that Sachs's inquiry constituted an "interrogation" within the meaning of Government Code section 3303, which is part of the Peace Officer's Bill of

Rights (POBRA).[2] The statute requires certain protections during interrogations, including the right to have the interrogation recorded. Appellant argues that the Department's failure to record the interrogation deprived her of direct evidence of what was said, and such failure should be used as a factor in determining that the Department did not meet its burden to establish that Appellant made false statements during the inquiry. However, supervisors are permitted to ask questions "[i]n the normal course of duty, counseling, instruction, or informal verbal admonishment by, or other routine or unplanned contact . . ." without triggering the protections of POBRA. (Gov. Code, § 3303, subd. (i).) Here, Sachs sought to ascertain if Appellant needed additional training to investigate potential identity theft or counterfeiting ring. In any event, consistent with the remedy Appellant seeks for the alleged violation, the Hearing Officer has evaluated all facts and circumstances surrounding the inquiry, including the fact that it was not recorded, in determining whether the Department established that Appellant made false statements during the exchange with Sachs.

Credibility Resolution

As set forth above, Appellant provided testimony which was inconsistent with the testimony provided by multiple witnesses. Her testimony about what occurred at the Motel 6 was contradicted by that of two disinterested witnesses, [redacted] and [redacted] who partially corroborated each other's testimonies. [redacted] testimony about what was depicted on the photograph is independently corroborated by the facts that suspected methamphetamine was

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[2] Government Code section 3303 states, in pertinent part: "When any public safety officer is under investigation and subjected to interrogation by his or her commanding officer, or any other member of the employing public safety department, that could lead to punitive action, the interrogation shall be conducted under the following conditions. For the purpose of this chapter, punitive action means any action that may lead to dismissal,

subsequently seized from Room 219 and that no Marijuana was found in the room. [redacted] and [redacted] testimonies are more likely to be true in light of corroborating video evidence and facts not in dispute, namely the relatively brief nature of Appellant's visit and that she did not actually go to Room 219. Similarly, two other witnesses, McGrattan and Sachs, provided mutually-corroborative testimony, consistent with contemporaneous statements. While Appellant points out to differences in McGrattan's and Sachs's testimonies and statements, the differing recollections are minor and consistent with truthful, uncoordinated testimonies. Moreover, Appellant's shifting explanations to Sachs and to Galbraith detract from her credibility. Accordingly, when Appellant's testimony is in conflict with the testimony of other witnesses, I have credited the testimony of the other witnesses.

Department Investigation

In late March 2018, Sergeant Galbraith, a sergeant at San Dimas Station at the time, was assigned to conduct the investigation. As part of his investigation, Galbraith interviewed Appellant on November 28, 2018. Appellant provided the following responses:

"[GALBRAITH]: [¶] Did you go to the room?

"[APPELLANT]: I went to the room, like, to the stairs of the room. I didn't physically go inside the room.

"[GALBRAITH]: How close to the room would you say you would be, approximately?

"[APPELLANT]: I - - I want to say, like ten feet.

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demotion, suspension, reduction in salary, written reprimand, or transfer for purposes of punishment."

"[GALBRAITH]: Ten feet from the door or ten feet from the - - [¶] And could you see inside?

"[APPELLANT]: I could see inside. I didn't step inside. And I did have a ke - - she had made me a key. And I - - I didn't step inside because I felt like it was sufficient from what I had seen from the manager - - he had showed me a picture of the alleged narco that was inside the room, and it was just a lot of residue.

"[GALBRAITH]: Do you remember who - - what the person's name was who showed you the picture?

"APPELLANT]: I want to say it was the - - [redacted] Yeah.

"GALBRAITH]: Okay. [redacted]?

"APPELLANT]: Correct." (Exh. 11 at pp. 15-16.)

In response to Galbraith's question "What else could you see inside the room when you were looking through the door?", Appellant stated: "Just a bunch of junk. There was, like, clothing everywhere - - there was - - it was just - - it looked like a hoarder room. And I just saw a lot of personal items. [¶] And I asked them was there any other drugs that they had found or located at the time, and he said no, the room just smelled, like, really bad weed, that was - - that was all they had located at the moment. And it was just a bunch of personal items." (*Id.*, at p. 17.) She later added, with respect to the drug residue: "It didn't look like nothing at all. It just looked like somebody was rolling, like, a marijuana joint and they just left, like, scattered weed that wasn't even enough to be collected." (*Id.*, at p. 18.) Galbraith next asked what he color of the narcotic was, to which Appellant replied: "It was green." (*Ibid.*)

Department Policies and Decision to Discipline Appellant

Chief James J. Hellmold (Hellmold) made the decision to discharge Appellant, and his decision was upheld at a February 5, 2019 case review meeting before a three-member panel consisting of Undersheriff Raymond Leyva and Assistant Sheriffs Timothy K. Murakami and Robert J. Olmsted. Hellmold and then Commander Jeffrey Scroggin (Scroggin) made the case review presentation in support of discharge. The basis for the decision is set forth in a Disposition Worksheet Memorandum, which was received in evidence. The decision remained the same following the hearing required pursuant to *Skelly vs. State Personnel Board*, 15 Cal.3d 194 (1975), at which Scroggin presided. Jacob is familiar with the Department's decision-making process in this case, as she reviewed all the case materials, discussed the matter with Scroggin, and attended the February 5, 2019 case review meeting. She testified in support of the Department's decision.

It was concluded that Appellant failed to conduct a proper investigation, that she entered false information in the DDWS, that she provided false information to Sachs, and that she provided false information during the departmental investigation that ensued, in violation of Department Manual of Policy and Procedures (Manual) sections 3-01/050.10 (Performance to Standards), 3-01/005.10 (Responsibility for Documentation), 3-10/050.20 (Duties of All members), 3-01/030.10 (Obedience to Laws) as it pertains to Manual section 5-04/010 (Preservation of Evidence), 3-01/100.35 (False Information in Department Records), 3-01/040.70 (Dishonesty/False Statements), and 3-01/040.75 (False Statements During Departmental Investigation). Appellant's conduct undercuts the public's confidence and trust in the Department. Her failure to conduct a proper investigation required an additional call for service and exposed the Department to potential liability. Discharge was

deemed warranted due to the severity of the infractions, the lack of honesty following the failure to properly investigate, the failure to accept responsibility for her actions, and her poor judgment in the performance of her duties. Appellant's work record and prior discipline were considered.

On cross-examination, Jacob agreed that the Department adheres to the concept of progressive discipline, which is defined below. Jacob testified that that discharge was warranted primarily by the false statements and that, absent those, the discipline likely would have been a suspension.

The Department has promulgated Guidelines for Discipline and Education-Based Alternatives (Guidelines). They contain the following pertinent language with respect to progressive discipline: "After the non-disciplinary approach is used or in some initial instances of misconduct or poor performance, the manager must impose discipline. Generally, discipline will follow a 'progressive step method.' This method attempts to correct, resolve or remove the employee's performance problem or misconduct at the lowest, <u>most effective level</u>. It should be imposed when the manager <u>can</u> reasonably <u>anticipate</u> that the discipline will be effective. [¶] . . . [¶]. There are some acts of misconduct, which by their nature, are not appropriate for progressive discipline. These are conduct problems which the employee should have reasonably known to be unacceptable, without specific notice from the Department, or which are generally socially unacceptable. [¶] Such behavior may include, but is not limited to, fraternization with inmates, drug usage, dishonesty, thievery, violent behavior, insubordinate behavior, or behavior which is illegal or places the individual or the Department in violation of federal, state or local laws, or court

orders. [¶] These acts [~~**mat**~~] **may** result in relatively harsh discipline, even discharge, without the use of progressive discipline." (Exh. 24, at p. 3; emphasis in original.)

The Guidelines permit discharge for several of the policy violations involved in this case. As set forth in the Guidelines, the range of discipline for violation of Manual section 3-10/050.10 is written reprimand to discharge; the range for violation of Manual section 3-10/030.10 is written reprimand to discharge; the range for violation of Manual section 3-01/100.35 is a ten-day suspension to discharge; the range for violation of Manual section 3-01/040.70 is a ten-day suspension to discharge; and the range for violation of Manual section 3-01/040.75 is a 15-day suspension to discharge.

<u>Discipline</u>

The Department established that Appellant engaged in serious misconduct. Appellant's conduct undercuts the public's confidence and trust in the Department. Her conduct violated Department policy, and the Guidelines permit discharge for several of the policy violations. Appellant failed to conduct a proper investigation. On three separate occasions, Appellant provided false statements regarding her actions in response to the February 15, 2018 call for service. Her continuing insistence at the hearing that she did not make false statements raises concerns that the conduct may recur. All of these factors support significant discipline.

As set forth in the Guidelines, progressive discipline is key to all disciplinary decisions. Absent egregious or socially unacceptable conduct which the employee should have reasonably known to be unacceptable without specific notice from the Department, several of which are enumerated in the Guidelines, progressive discipline should be followed. Appellant's conduct is not one of the enumerated offending behaviors or

otherwise so egregious or socially unacceptable as to warrant disregard of progressive discipline. Moreover, the Guidelines permit discipline short of discharge for the conduct in which Appellant engaged. Appellant is a 12-year employee with generally [redacted] work performance and [redacted]. Appellant acknowledged that she failed to conduct proper investigation, and vowed not to repeat her mistakes. Consistent with progressive discipline and Appellant's work history, a substantial suspension is a lower, more effective level of discipline to correct and resolve Appellant's misconduct. Therefore, a 30-day suspension is the appropriate level of discipline.

FINDINGS OF FACT

1. Appellant joined the Department in May 2007. Her initial assignment was at Century Regional Detention Facility. In November 2014, she started her first [redacted] assignment, at the [redacted] and in March 2016, she transferred to the San Dimas Station, where she worked on the day shift. Appellant served in [redacted] for [redacted] before joining the Department. Appellant's job performance has been rated "[redacted]" or "[redacted]." On January 19, 2017, Appellant received a written reprimand for leaving her containment post during a shoplifting investigation.

2. On February 15, 2018, Appellant responded to a call for service at a Motel 6 property located in San Dimas, California. Motel staff had reported that three unidentified individuals ran from a motel room, leaving narcotics and other items. Appellant arrived at the motel at 1:21 p.m.

3. Appellant spent approximately 12 minutes at Motel 6, in the front office or lobby area or walking to and from the office. Upon arrival, she asked [redacted] routine

questions to ascertain the identity of the individuals in question and to determine if money or property had been taken or damaged.

4. [redacted] made Appellant a key so she could enter the room in question, number 219. However, Appellant did not go to Room 219, and eventually discarded the key.

5. [redacted] met Appellant in the motel lobby. Since Appellant would not go to the room, [redacted] went to Room 219 and took a picture of the suspected narcotics. As established by the credible testimony of [redacted] which was corroborated by photographic evidence and partially corroborated by [redacted] the cellular telephone phone photograph depicted a white powdery substance on a table, in a line or pile measuring ¾ inches high, four inches long, and two inches wide. [redacted] showed the photograph to Appellant. Appellant replied that he could put it in a bag and bring it to her or he could throw it away.

6. As established by the credible testimony of [redacted] which is partially corroborated by the surveillance video, shortly after her conversation with [redacted] Appellant left the front office area, entered her vehicle, and drove away from Motel 6. She did not walk to the stairs across Room 219 or make any other move to walk toward the room.

7. Appellant left Motel 6 at approximately 1:33 p.m. She "cleared" the call on the DDWS, writing, in abbreviated form: assisted citizen, contacted [redacted] no evidence of a crime, no narcotics left in the room, disturbing party gone prior to arrival, unable to locate anyone, advised to call back. The statements that there was no evidence or a crime and that there were no narcotics left in the room were false. As established by the credible testimonies of [redacted] and [redacted] and by the photographic evidence, Appellant had been given evidence of a potential crime, namely, that there was a white powdery substance in Room 219. Appellant knowingly and willfully entered false information in the DDWS in

that she wrote that there was no evidence of a crime or narcotics in the room despite having contrary information from [redacted]

8. In failing to go to Room 219, to collect and preserve evidence, to identify all pertinent witnesses, and to write a proper report, Appellant failed to conduct an investigation in accordance with the Department's standard of performance.

9. After Appellant left, motel staff went to Room 219 and noticed several other items in the room, including unopened boxes with computers and printers, checks, stacks of credit cards, and drug paraphernalia. They did not touch anything, left the room, locked the door, and called the Department. Subsequent investigation by Department personnel uncovered evidence of a potential counterfeiting and identity theft operation, which led to the filing of criminal charges.

10. Sachs, the early morning shift Watch Commander at San Dimas Station, learned about Appellant's response to the call for service the following day. On February 16, 2018, Sachs called Appellant to her office. She asked McGrattan to be present. Sachs intended to ask Appellant details about the incident to ascertain if Appellant required additional training in identifying potential identity theft crimes. Sachs did not inform Appellant that she was under investigation. Sachs did not offer, and Appellant did not ask, to have representation present during the interview.

11. As established by the credible, mutually corroborative testimonies of Sachs and McGrattan, Sachs asked Appellant what had happened during the call, pointing out that other deputies had seized a lot of items from the room. During the ensuing conversation, Sachs also asked Appellant if she had been in the room and if she had seen any narcotics or computer equipment in the room. Sachs showed a photo on her phone depicting a printer, a

check, paper, and other items seized from Room 219. Appellant stated that she had not seen those items and that they were not in the room. Sachs asked Appellant if she had been in Room 219, to which Appellant replied in the affirmative. Asked if she had seen any narcotics in the room, Appellant replied that she had only seen residue, which she just brushed away.

12. Appellant's statement to Sachs that she had been inside Room 219 is false, as her own testimony and that of [redacted] establishes that did not go into the room. Her statement that there was only residue in the room, which she brushed away, is also false because she had not been inside Room 219 to examine and brush away residue.

13. On November 28, 2018, during a Departmental investigation, Appellant told Galbraith that she came up approximately 10 feet from Room 219, that she was able to look inside the room, that all she could see was clothing and other "junk." This statement is not true as the credible evidence, as set forth in Finding of Fact 6, establishes that Appellant left Motel 6 without walking toward Room 219.

14. During the same November 28, 2018, Departmental investigation, Appellant told Galbraith that [redacted] showed her a photographs depicting Marijuana residue, which statement was false, because the photograph actually depicted a white powdery substance, as set forth in Finding of Fact number 5.

15. By letter dated March 7, 2019, the Department notified Appellant that effective March 6, 2019, she was discharged from her position of Deputy Sheriff.

16. Appellant acknowledged that she failed to conduct a proper investigation on February 15, 2018 and vowed not to repeat her mistakes.

17. The Department has a policy of progressive discipline, and lesser discipline is permitted under the Guidelines for the violations established at the hearing, namely, discipline in a range from a written reprimand to discharge for violation of Manual sections 3-10/050.10 and 3-10/030.10, in a range from a 10-day suspension to discharge for violation of manual sections 3-01/100.35 and 3-01/040.70, and in a range from a 15-day suspension to discharge for violation of Manual section 3-01/040.75.

CONCLUSIONS OF LAW

1. The Department established by a preponderance of the credible evidence the truth of [~~**most of**~~] the allegations contained in its letter dated March 7, 2019, as set forth in Finding of Fact numbers 1 through [~~**14**~~] **15**.

2. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/050.10, because she failed to conduct an investigation in accordance with Departmental standards, as set forth in Finding of Fact numbers 2 through 8.

3. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/005.10, because she failed to document a proper investigation, as set forth in Finding of Fact numbers 2 through 8.

4. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/030.10, as it pertains to Manual section 5-04/010.10, because she failed to preserve evidence, as set forth in Finding of Fact numbers 2 through 8.

5. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-10/050.20, because she failed to properly document her

investigation, preserve evidence, or otherwise conduct an investigation in accordance with Departmental standards, as set forth in Finding of Fact numbers 2 through 8.

6. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/100.35, because she entered false information in official Department records, as set forth in Finding of Fact numbers 2 through 7.

7. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/040.70, because she made false statements to her supervisor, as set forth in Finding of Fact numbers 10, 11, and 12.

8. The Department established by a preponderance of the credible evidence that Appellant violated Manual section 3-01/040.75, because she made false statements during a Department investigation, as set forth in Finding of Fact numbers 5, 6, 13, and 14.

9. The Department did not establish by a preponderance of the credible evidence that discharge is the appropriate discipline. Rather, **in light of Appellant's competent work performance, the absence of significant discipline in her close-to-12-year career, the facts that Appellant acknowledged she failed to conduct a proper investigation on February 15, 2018 and that she vowed not to repeat her mistakes, the Department's policy of progressive discipline, and the fact that lesser discipline is permitted under the Guidelines,** the appropriate level of discipline is a 30-day suspension.

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COUNTY OF LOS ANGELES

HALL OF JUSTICE

ALEX VILLANUEVA, SHERIFF

October 21, 2021

Deputy Miriam E. Lopez, [redacted]

Dear Deputy Lopez:

AMENDED LETTER OF IMPOSITION

On March 7, 2019, you were served with a Letter of Imposition under File Number 2451801, notifying you that you were discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on March 6, 2019.

On June 9, 2021, the discipline was reduced pursuant to a Civil Service Commission Decision. All Departmental records will reflect that you received a thirty (30) day suspension. The thirty (30) day suspension will be deemed served March 7, 2019 through April 5, 2019.

Pursuant to the Civil Service Commission's final decision and the investigation under IAB File Number 2451801, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/005.10, Responsibility for Documentation; and/or 3-01/050.20, Duties of All Members; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders [as it pertains to 5-04/010.10, Preservation of Evidence], on or about February 15, 2018, while on-duty, you failed to conform to work standards established for your position as a patrol deputy and/or displayed an unwillingness or inability to perform an assigned task in a competent manner, and/or failed to take appropriate action during the occurrence of a crime, when you

failed to direct and/or coordinate your efforts in a manner which established and maintained the highest standard of efficiency in the investigation of identity theft and narcotic activity, and/or brought discredit upon yourself or the Los Angeles County Sheriff's Department as evidenced by, but not limited to:

a. Failing to properly identify, investigate, and document a reported crime which involved an identity theft lab, narcotic activity, and stolen vehicle recovery; and/or,

b. Failing to identify, interview, and document all witnesses associated with and/or present at a crime scene related to Sheriff Uniform Reporting Number; and/or,

c. Failing to identify, preserve, and recover evidence associated with a crime.

2. That in violation of Manual of Policy and Procedures Section 3-01/100.35, False Information in Records, on or about February 15, 2018, while on-duty, you documented false information by inputting, "No ev of crime, no narco left in room," in your official DDWS, which was proven to be untruthful by video evidence, witness testimony, and the fact that on the same day, there was a second call for service at the same location which was handled by a different Deputy who was presented with the same information. The second Deputy initiated a proper investigation resulting in the recovery of the methamphetamine, a stolen vehicle, and hundreds of items related to an identity theft operation.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.70, False Statements, on or about February 16, 2018, while on-duty, you provided false statements to a supervisor during a supervisory inquiry when you were questioned regarding your handling of a call for service.

4. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements, and/or Making False Statements During Departmental Internal Investigations, when on or about November 28, 2018, you provided false and misleading statements during an official Departmental Internal Investigation as evidenced by but not limited to:

a. Stating that you climbed part way up a staircase near the room and looked inside from the distance, and/or words to that effect, which is in conflict with witness statements; and/or,

b. Stating the picture from Witness [redacted] displayed a green leafy substance resembling marijuana when the photograph clearly depicts a white powdery substance resembling methamphetamine.

Sincerely,

ALEX VILLANUEVA, SHERIFF

Ron Kopperud, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RK:CK:liz

c: Advocacy Unit
Employee Relations Unit
Coronne Jacob, Chief, East Patrol Division
Personnel Administration Bureau
San Dimas Station/Unit Personnel File
Cathy Banuelos, Pay, Leaves & Records Unit
Internal Affairs Bureau (File No. 2451801)